

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BLUEFIELD

JAY H. LEE, et al.,

Plaintiffs,

v.

CIVIL ACTION NO. 1:09-0028  
1:09-0210

FEDERAL EMERGENCY  
MANAGEMENT AGENCY, et al.,

Defendants.

**MEMORANDUM OPINION AND ORDER**

By Standing Order, this action was referred to United States Magistrate Judge R. Clarke VanDervort for submission of findings and recommendations regarding disposition pursuant to 28 U.S.C.A. § 636(b)(1)(B). Magistrate Judge VanDervort submitted to the court his Findings and Recommendation on February 26, 2010, in which he recommended that the District Court deny plaintiffs' motion for temporary injunction, deny plaintiffs' motion for emergency injunctive relief, deny plaintiffs' motion for entry of default, deny plaintiffs' motion for temporary restraining order, grant defendants' motions to dismiss, dismiss these consolidated actions without prejudice, and allow plaintiffs leave to amend their pleadings within a specific amount of time to state factual allegations only with respect to and in support of their claim of FHA housing discrimination in conformity with Federal Rule of Civil Procedure 8(a)(2) if they can.

In accordance with the provisions of 28 U.S.C.A. § 636(b), the parties were allotted fourteen days, plus three mailing days, in which to file any objections to Magistrate Judge VanDervort's Findings and Recommendation. The failure of any party to file such objections constitutes a waiver of such party's right to a de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989).

The parties failed to file any objections to the Magistrate Judge's Findings and Recommendation within the allotted time period. Having reviewed the Findings and Recommendation filed by Magistrate Judge VanDervort, the court adopts the findings and recommendations contained therein.

Accordingly, the court hereby:

1. **DENIES** plaintiffs' motions for temporary injunction (doc. # 20), for emergency injunctive relief (doc. # 24), for entry of default (doc. # 33), and for temporary restraining order (doc. # 46);
2. **GRANTS** defendants' motions to dismiss (docs. # 10, 13, and 40); and
3. **GRANTS** plaintiffs leave to amend their pleadings, as outlined in the Proposed Findings and Recommendation, within 30 days of entry of this Memorandum Opinion and Order. If amended pleadings are not filed within

thirty days, the Clerk is directed to **DISMISS** these consolidated actions without prejudice; and remove the cases from the court's docket.

The Clerk is directed to forward a copy of this Memorandum Opinion and Order to plaintiffs, pro se, and counsel of record.

**IT IS SO ORDERED** this 17th day of March, 2010.

ENTER:

David A. Faber

David A. Faber  
Senior United States District Judge